

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

NADINE GUTHRIE o/b/o M.H.,	:	NO. 1:10-CV-858
	:	
Plaintiff,	:	
	:	
vs.	:	<b>OPINION AND ORDER</b>
	:	
MICHAEL J. ASTRUE,	:	
COMMISSIONER OF SOCIAL	:	
SECURITY	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's November 15, 2011 Report and Recommendation (doc. 14) and Plaintiff's Objections (doc. 15). In her Report and Recommendation, the Magistrate Judge recommends that the decision of the Administrative Law Judge ("ALJ") denying Plaintiff's application on behalf of her minor granddaughter MH for Supplemental Security Income ("SSI") childhood disability benefits be affirmed and this case be dismissed from the Court's docket.

In brief, Plaintiff filed an application for SSI childhood benefits on MH's behalf in September of 2006, alleging disability due to asthma and learning and behavioral problems, primarily attention deficit hyperactivity disorder ("ADHD")(doc. 14). The ALJ denied Plaintiff's application, concluding that MH's impairments do not meet or equal the Listing for ADHD set forth in 20 C.F.R. Part 404, Subpart P, Appendix 1, making her ineligible

for a presumption of disability (doc. 14).

Plaintiff appealed the ALJ's decision, contending that the ALJ erred by failing to find that MH met or equaled the Listed impairment for ADHD (doc. 14). The Magistrate Judge determined the ALJ's non-disability finding was supported by substantial evidence and recommends that it be affirmed (doc. 14). Plaintiff filed her Objections (doc. 15) on December 2, 2011, such that this matter is now ripe for the Court's review.

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon thorough consideration of the foregoing, the Court finds Plaintiff's objections unpersuasive and determines that the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct. The Court finds the ALJ's decision to deny Plaintiff's application for SSI childhood disability benefits is supported by substantial evidence in the record, and thus the Commissioner's decision is not reversible. 42 U.S.C. § 405(g). Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 14) in its entirety, AFFIRMS the decision of the Commissioner, and DISMISSES this case from the Court's docket. SO ORDERED.

Date: March 22, 2012      s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States District Senior Judge